

## **REMARKS**

Claims 2-5 and 8 are now pending in the application. Claims 2-4 have been currently amended and claims 1 and 6-7 have been canceled. New claim 8 has been added. Pending claims 1-7 stand rejected under 35 U.S.C. §102 (b). The forgoing amendments and following remarks are considered by Applicant to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

### **I. Rejection Of Pending Claims 1-7 Under 35 U.S.C. § 102 (b)**

Claims 1-7 stand as rejected under 35 U.S.C. § 102 (b) as being anticipated over Abe et al., U.S. Patent No. 6,084,843, issued July 4, 2000 ("Abe"). Applicant respectfully traverses this rejection.

#### **A. Relevant Law**

"A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference." *Bristol-Myers Squibb v. Ben Venue*, 246 F.3d 1368, 1374 (Fed. Cir. 2001). Identity of invention requires that a prior reference disclose to one of ordinary skill in the art all elements and limitations of the patent claim. *Scripps Clinic v. Genentech*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). Absence from the reference of any claimed element negates anticipation. *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81 (Fed. Cir. 1986).

#### **B. Summary of Cited References**

Abe teaches an optical apparatus for recording and/or reproducing data into and/or from different types of recording media, comprising a means of focusing a light of a first or second wavelength onto a first or second recording media; a first means disposed off the optical axis of the focusing means to generate a light of the first wavelength; a second means disposed on the optical axis of the focusing means to generate a light of the second wavelength; a means of correcting a coma aberration in the light of the first wavelength and guiding the corrected light along the optical axis of the focusing means, and a means of detecting the light of the first or second wavelength reflected from the first or second recording media. See Abstract.

**C. Argument**

Currently amended claim 4 claims an optical head device having a beam-guiding optical device to bring beams of different wavelengths which are emitted by separate light sources together onto the same optical axis or to guide said beams onto a common photo receiving device, comprising: an incident plane; and an exit plane, said incident plane and exit plane being back to back wherein one of the incident plane and the exit plane has a stair-like surface; wherein a step height between neighboring treads in said stair-like surface is set to cause a phase difference corresponding to “n” wavelengths to one of said beams when the one of the beams passes through said neighboring treads so as not to change the traveling direction. Currently amended claim 4 also claims an optical head device comprising a first light source for emitting a first beam of light; a second light source for emitting a second beam of light which differs in wavelength from said first beam of light; a beam splitting element for separating a forward optical path directed to the optical recording medium from the first light source and second light source from a return optical path directed to the common photo receiving device from the optical recording medium; an objective lens for converging said first and second beams of light onto a recording surface of an optical recording medium; and a common photo receiving device for receiving said first and second beams of light which are reflected from said recording surface of said optical recording medium through said objective lens. Currently amended claim 4 further discloses that the beam-guiding optical device is placed on the return optical path separated from the forward optical path between said objective lens and said common photo receiving device to deflect one of said first and second beams of light that have been reflected from said recording surface of said optical recording medium and to guide both of said first and second beams of light onto said common photo receiving device.

Abe teaches an optical apparatus for recording and/or reproducing data into and/or from different types of recording media. However, Abe does not teach or suggest that a beam guiding device is placed on a return optical path separated from the forward optical path. Abe instead teaches plate 25 is placed on an optical path that is the common optical path for the forward optical path to the disk and the return optical path reflected by the disk. Therefore, Abe discloses that the laser beam passes both the forward optical path to the disk and the return optical path reflected by the disk. Accordingly, the plate 25 in Abe requires aberration compensating.

This is unlike the present invention where a beam splitting element for separating a forward optical path directed to the optical recording medium from the first light source and

second light source from a return optical path directed to the common photo receiving device from the optical recording medium. Also, the beam guiding optical device is placed on a return optical path between the beam splitting element and the common photo receiving device. Therefore, the present invention does not require the beam-guiding optical device to have aberration compensating.

Thus, the feature defined in amended claim 4 is not disclosed in Abe. Accordingly, Abe fails to teach or disclose each and every limitation of independent claim 4. To the extent that Examiner finds each and every limitation of independent claim 4, it nonetheless is insufficient for it does not contain an enabling disclosure. Therefore, Abe does not anticipate claim 4. Claims 2-3, 5 and 8 by virtue of their dependency from claim 4, are similarly considered by Applicant to patentably define itself and is novel over Abe. For these reasons, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 (b) are respectfully requested.

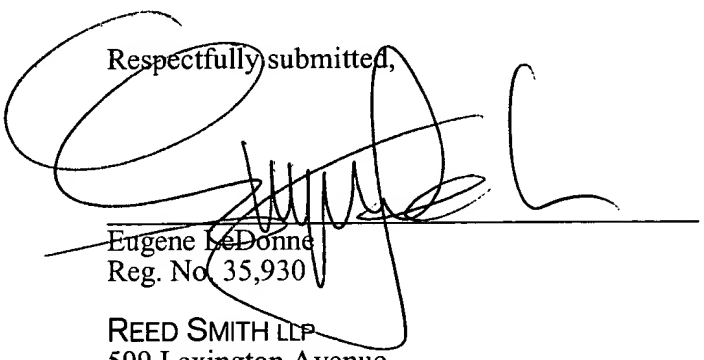
## **II. Newly Presented Claim 8**

Claim 8 has been added to the application to recite novel features disclosed in the specification. Applicants respectfully submit that the cited reference neither disclose nor teach the optical head device recited in the newly presented claim 8. More specifically, new claim 8 recites the feature of “the beam-guiding optical device is placed on the return optical path between the beam splitting element and the common photo receiving device.” This recitation is substantially supported in paragraph [0034] of the specification. Abe does not disclose or suggest optical head device as defined in claim 8.

**III. Conclusion**

For the reasons presented above, claims 2-5 and 8, all the claims pending in the application, are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted,



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